

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEPHEN BRENT DAWSON,

Plaintiff,

v.

CITY OF ADA, OKLAHOMA,

Defendant.

Case No.: C 07-3589 PVT

**REPORT AND RECOMMENDATION TO
TRANSFER CASE TO A PROPER VENUE**

Plaintiff Stephen Brent Dawson has filed a complaint against defendant Ada, a city located in the state of Oklahoma, alleging violations of his civil rights. On August 3, 2007, this court ordered plaintiff to show cause why the case should not be transferred to a proper venue. On August 10, 2007, plaintiff stated that he would "never step foot or go anywhere in the State of Oklahoma [because he] would have to live in terrible conditions 'homeless shelters' in the Oklahoma City area , for the pending lawsuit."

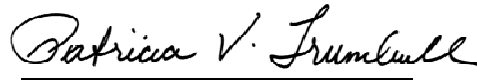
Here, jurisdiction is based on federal question and the only defendant in this case is a city located in Oklahoma. Therefore, the United States District Court for the District of Oklahoma is the proper venue. Under 28 U.S.C. section 1391, a case in which jurisdiction is not based solely on diversity of citizenship may be filed only in:

1 (1) a judicial district where any defendant resides, if all defendants reside in the same State;
2 (2) a judicial district in which a substantial part of the events or omissions giving rise to the
3 claim occurred, or a substantial part of property that is the subject of the action is situated, or
4 (3) a judicial district in which any defendant may be found, if there is no district in which the
5 action may otherwise be brought.

6 To cure the filing of an action in the wrong district court, a court may dismiss, or if it be in
7 the interest of justice, transfer the case to the district where the action could have been brought. 28
8 U.S.C.A. § 1406(a). Plaintiff is pro se and is unaware of what constitutes a proper venue to file his
9 action. Although plaintiff opposes a transfer of the action to a proper venue, he has not shown legal
10 authority for venue in this district. Accordingly, the court recommends that the case be transferred
11 to the United States District Court for the District of Oklahoma.

12 IT IS SO RECOMMENDED.

13 Dated: 9/10/2007

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15 PATRICIA V. TRUMBULL
16 United States Magistrate Judge
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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on August 10, 2007 to:

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Greenfield, CA 93927

____EunHae Park for_____
CORINNE LEW
Courtroom Deputy